



MAR 28 2002

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In re Application of :  
Leydier et al. :  
Application No.: 09/807,686 :  
PCT No.: PCT/FR99/02428 :  
Int. Filing Date: 08 October 1999 : DECISION  
Priority Date: 16 October 1998 :  
Attorney Docket No.: 01213/TL :  
For: Integrated Circuit Chip Made Secure Against :  
The Action Of Electromagnetic Radiation :

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

### BACKGROUND

This international application was filed on 08 October 1999 and claimed a priority date of 16 October 1998. The International Bureau transmitted a copy of the published international application to the USPTO on 27 April 2000. A Demand electing the United States was filed on 26 February 2000, which was prior to the elapse of 19 months from the priority date. Consequently, the thirty period for payment of the basic national fee in the United States expired as of midnight on 16 April 2001.

On 16 April 2001, applicants filed a Transmittal Letter accompanied by, *inter alia*, the basic national fee.

On 15 May 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration and a surcharge under 37 CFR 1.492(e).

On 02 July 2001, applicants submitted the surcharge under 37 CFR 1.492(e), along with two declarations.

On 17 July 2001, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed to applicants.

### DISCUSSION

Review of the declarations filed on 02 July 2001 reveals that they are defective. Specifically, neither declaration names both of the joint inventors. Instead, each declaration names and is signed by only one of the inventors. This does not comport with 37 CFR 1.63(a), which requires that a declaration must identify each inventor. Since the declarations

were defective, the Notification of Acceptance mailed on 17 July 2001 was issued in error and is hereby VACATED.

CONCLUSION

The Notification of Acceptance mailed on 17 July 2001 is hereby VACATED.

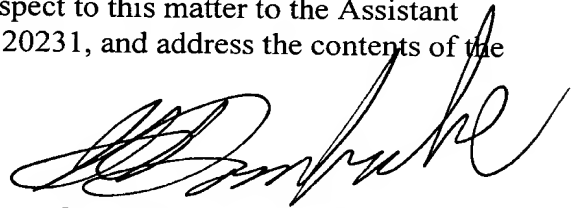
This application is being returned to the United States Designated/Elected Office (DO/EO/US) for preparation and mailing of a new Notification of Missing Requirements, requiring the filing of an executed oath or declaration of the inventors.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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